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**BOZICEVIC, FIELD & FRANCIS LLP**

200 Middlefield Road, Suite 200

Menlo Park, CA 94025

Telephone: (650) 327-3400

Facsimile Number: (650) 327-3231

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**Date:** February 17, 2004

**To:** Office of Initial Patent Examination  
U.S. Patent and Trademark Office

**Facsimile No.** 703-~~746-9195~~ 512-4306

**From:** Carol M. LaSalle

**Message:** Please see the attached Request for Corrected Filing Receipt  
Application No. 10/678,343  
Filing Date: October 3, 2003  
Our Ref.: CNVC-005US2CON2

Total number of pages, including this cover sheet: 11

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Atty Dkt. No. CNVG-005US2CON2  
USSN: 10/678,343

Certificate of Transmission. I hereby certify that this correspondence is being facsimile transmitted to the Office of Initial Patent Examination ( fax no. 703.746.9195) on the date shown below.		
Typed or Printed Name	Kimberly Williams Zuchlke	
Signature	<i>Kimberly W Zuchlke</i> Date 17 Feb. 2004	
<b>COMMUNICATION REGARDING RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT</b>  <b>FILED BY FACSIMILE</b>	Attorney Docket	CNVG-005US2CON2
	Applicant	FLEISCHMAN, SIDNEY D.
	Serial Number	10/678,343
	Filing Date	October 3, 2003
	Group Art Unit	3731
	Examiner Name	
Title: "ANASTOMOSIS SYSTEMS"		

Sir:

In response to the Communication dated January 26, 2004 regarding the response to our Request for a Corrected Filing Receipt, please find attached a mark-up version together with copies of the Initial Application Data Sheet and first two pages of the Preliminary Amendment as filed with the original application. Applicant respectfully requests that the Commissioner issue a corrected Official Filing Receipt.

If for any reason a fee is found to be necessary, the Commissioner is authorized to charge such fee to Deposit Account No. 50-0815.

Respectfully submitted,  
BOZICEVIC, FIELD & FRANCIS LLP

Date: 2/16/04

By: *Carol M. LaSalle*

Carol M. LaSalle  
Registration No. 39,740

BOZICEVIC, FIELD & FRANCIS LLP  
200 Middlefield Road, Suite 200  
Menlo Park, CA 94025  
Telephone: (650) 327-3400  
Facsimile: (650) 327-3231

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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMBINED PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./FILE
10/678,343	10/03/2003	Sidney D. Fleischman	CNMG-005US2CON2

CONFIRMATION NO. 1795

24353  
BOZICEVIC, FIELD & FRANCIS  
200 MIDDLEFIELD RD  
SUITE 200  
MENLO PARK, CA 94025

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FEB 02 2004

Bozicevic, Field, &amp; Francis

Date Mailed: 01/26/2004

## RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

## Domestic Continuity and Foreign Priority

*Handwritten:* DOCKETED  
12/12/04  
priority data

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- KWZ*  
*OK*
- ☐ The priority or continuity claim has not been entered because it was not filed during the required time period. Applicant may wish to consider filing a petition to accept an unintentionally delayed claim for priority. See 37 C.F.R. 1.55 or 1.78.
  - ☒ Continuity claimed under 35 U.S.C. § 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification. 09/329,503 filing date 08/10/1999
  - ☐ A claim for priority cannot be made based on an application filed after the application making the claim.
  - ☐ Domestic benefit and foreign priority claims will not be captured in a provisional application. A provisional application is not entitled to a right of priority or to the benefit of an earlier filing date of any other application. See 35 U.S.C. § 111(b)(7) and 37 CFR 1.53(c)(4).
  - ☐ A domestic continuity claim cannot be made to a foreign application and the filing receipt will only list the foreign country, application number, and filing date.
  - ☐ Foreign priority will appear on the Filing Receipt in the following order:  
**Country, Application number, Filing date.**
  - ☐ This application is the result of a conversion from a provisional application. Priority based on such application cannot be made since it no longer exists as a provisional application.
  - ☒ The application(s) to which priority is claimed were filed over a year prior to the filing date of this application. Therefore, the referenced application(s) cannot be claimed as



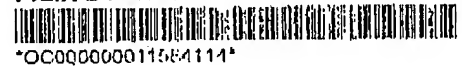
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United States Patent and Trademark Office  
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Alexandria, Virginia 22304-1400  
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY DOCKLT NO	DRAWINGS	TOT CLMS	IND CLMS
10/678,343	10/03/2003	3731	385	CNVG 005US2CON2	54	11	2

CONFIRMATION NO. 1795

## FILING RECEIPT



\*0000000011564114\*

Date Mailed: 12/30/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Sidney D. Fleischman, Menlo Park, CA;  
Russell A. Houser, Livermore, CA;  
James G. Whayne, Chapel Hill, NC;  
Thomas H. Campbell, Brentwood, CA;  
Patrick M. Owens, Half Moon Bay, CA;

## Assignment For Published Patent Application

Converge Medical Inc.;

## Domestic Priority data as claimed by applicant

This application is a CONT. of 09/997,612 filed 10/24/2001, P. 06/643,900,  
which is a CONT. of 03/730,366 filed 05/20/00, P. 06/643,900,  
which claims benefit of 60/110,100 filed 12/03/99

and claims benefit of 60/121,805 filed 01/04/00

Foreign Applications and claims benefit of 04/329,503 filed 06/10/99

If Required, Foreign Filing License Granted: 12/20/2003 and is related to 01/06/01  
60/111,948 filed 12/11/99

Projected Publication Date: 04/08/2004

Non-Publication Request: No

Early Publication Request: No

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JAN 6 2004

**\*\* SMALL ENTITY \*\***

**Title**

Anastomosis systems

**Preliminary Class**

606

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Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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